

EXHIBIT A

— 1 —

PROPOUNDING PARTY: Representative Plaintiffs

RESPONDING PARTY: Defendant Dollar Tree Stores

SET NO: One

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure Rule 33(b)(3), Representative Plaintiffs in the above-entitled action hereby request that you answer the following special interrogatories, in full, within thirty (30) days from the date of service of this notice.

INSTRUCTIONS

In answering these interrogatories, furnish all such information as is available to you, not merely such information as you know of your own personal knowledge, including, but not necessarily limited to, information which is in the possession of your attorneys and/or all investigators for your attorneys, and/or any investigators retained or hired by you, prior to seeking legal advice, and or any investigations conducted by your supervisors, employees, and/or agents. If any of the interrogatories herein cannot be answered in full after exercising due diligence to secure such information, please answer to the extent possible, whether or not based on hearsay, and specify the reason for your inability to answer the remainder.

The interrogatories set forth hereinafter are deemed to incorporate all introductory matter, including, but not necessarily limited to, definitions of certain terms as set forth by Plaintiffs.

YOU ARE HEREBY REQUESTED TO READ CAREFULLY ALL SUCH DEFINITIONS.

In any instance where the answer to any interrogatory is contained in [a] document(s) or where you are asked to identify [a] document(s), Representative Plaintiffs request, in lieu of or in addition to identification, that you attach the document(s) to your answers and indicate clearly to which interrogatory each document or documents are applicable.

DEFINITIONS

1. The term “**Defendant**,” “**You**” or “**Your(s)**” refers to the party(ies) to which these requests are propounded and any agents, employees, officers, directors, subsidiaries, affiliates, predecessor corporation(s), both present and former, including their attorneys and insurers, except to the extent that a privilege not to answer is specifically stated.

2. The term “**Class(es)**” refer(s) to each [of the] class definition(s) provided in the **Complaint** (as defined in this section, below).

3. The term “**Class Member(s)**” refer(s) to each and every one of the named plaintiffs in the above-captioned action as well as each and every person eligible for membership in one or more of the plaintiff class(es) and/or subclass(es), as described and defined in the operative Complaint(s) filed in this action and, if a consolidation or coordination of actions, the collective allegations and parties to each and every one of the included actions.

4. The term “**Representative Plaintiff(s)**” refer(s) to each and every named plaintiff identified in the operative Complaint(s) filed in this action and, if a consolidation or coordination of actions, the collective allegations to each and every one of the included actions.

5. “**Persons**” and/or “**individual(s)**” means natural persons, corporations, partnerships, sole proprietorships, unions, associations, federations, employers, or any other kind of entity or subsidiary, division and/or department thereof.

6. “**Complaint**” refer(s) to the operative (most recent version of and/or amendment to) Complaint filed in this action and, if a consolidation or coordination of actions, the collective allegations and parties to each and every one of the Included/Consolidated/Coordinated Complaints.

7. “**Document(s)**” or “**records**” shall mean a writing, as defined by Federal Rules of Evidence 1001, and shall include writings and printed matter of any kind and description, including, but not limited to: electronically-stored data, including computer disks or tapes; electronic audio or video recordings and the scripts of same; electronic or hard copy embodiments of analytical or monitoring equipment or devices; photographs; drawings; maps; sketches; plot plans; diagrams; notes; minutes and electronic recordings of oral communications; letters and memoranda; computer printouts and any hard copy representation(s) of data, information and/or other record compilations

which are stored by means of computer or electronic devices; logs; charts or strips of analytical or monitoring equipment; x-rays or other output of radiographic examinations; transcripts of testimony and proceedings; videotapes; films; blueprints; reports; summaries; newspaper accounts; statements; estimates; proposals and protocols; citations; orders and court pleadings. It shall also include any additional copy or duplicate of any document as described above which contains any handwriting, typewriting, notation, modification or other addition thereto of any kind, as well as any rough or preliminary draft(s) of the document. Defendant shall produce those documents and/or other tangible items sought herein whether or not created, maintained, distributed, acquired or otherwise in the possession of any predecessor corporations or business entities to the extent that said documents and/or tangible items are within the care, custody and/or control of Defendant.

8. For each interrogatory wherein a request is made to “**identify**” an individual or group or class of individuals, state with respect to such individual or group/class of individuals:

- a. His, her, or its name;
- b. His, her, or its known or last known home address and telephone number;
- c. His, her, or its business address and telephone number and that/those of his, her, or its employer(s); and,
- d. His, her, or its relationship to you.

9. For each interrogatory wherein a request is made to “**identify**” and/or “**describe**” any function(s) or job task(s), state with respect to such “**function(s)/job task(s)**”:

- a. The frequency with which the “**function(s)/job task(s)**” is to be performed;
- b. The weight, if any, an individual performing that “**function(s)/job task(s)**” is required to lift; and
- c. Whether the “**function(s)/job task(s)**” is/are the responsibility of other employees.

10. The time period covered by these requests shall be the most expansive class period defined in the **Complaint** (i.e., four years prior to the filing of the initial **Complaint**), through the present, unless otherwise specified (herein also referred to as the “**class period**”). Unless so specified, each and every interrogatory herein requests information made available and/or acquired by **You** and/or within **Your** possession, custody, or control during said period and/or generated prior

thereto, but remaining in effect or becoming effective at any point in time during said period and/or information known or believed to exist during said period and/or in effect or becoming effective at any point during said period.

11. The conjunctive shall also include the disjunctive and vice versa.

12. The singular shall also include the plural and vice versa.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each and every **Class Member**.

INTERROGATORY NO. 2:

Identify each facility (by address, telephone number and/or location number, if applicable) where any **Class Member** has performed work for **You** at any time during the **class period**.

INTERROGATORY NO. 3:

Identify and/or **describe** how **You** determine whether **Class Members** should be paid on an overtime-exempt basis for each pay period with the **class period**.

INTERROGATORY NO. 4:

Identify and/or **describe** each task performed by **Class Members** that **You** contend is exempt under California law.

INTERROGATORY NO. 5:

Identify and/or **describe** each task performed by **Class Members** that **You** consider to be non-exempt under California law.

INTERROGATORY NO. 6:

Describe all efforts **You** have made to ensure that **Class Members** are performing more exempt than non-exempt work for each pay period within the **class period**.

INTERROGATORY NO. 7:

Identify and/or **describe** **Your** policies and procedures regarding the methods by which **Class Members** reported the number of hours worked for each week during the **class period**.

1 INTERROGATORY NO. 8:

2 **Identify and/or describe** any and all efforts made by **You** to provide or permit **Class**
3 **Members** to take meal and/or rest breaks.

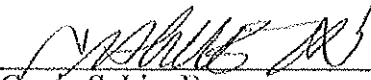
4 INTERROGATORY NO. 9:

5 **Identify and/or describe** any and all efforts made by **You** to inform **Class Members** of the
6 applicable test for the Executive Exemption to California's overtime laws.

7
8 Dated: December 13, 2007

9 **SCOTT COLE & ASSOCIATES, APC**

10 By:

11 
12 Carrie S. Lin, Esq.
13 Attorneys for the Representative Plaintiffs
14 and the Plaintiff Class
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SCOTT COLE & ASSOCIATES, APC
ATTORNEYS AT LAW
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OAKLAND, CA 94612
TEL: (916) 897-9800

EXHIBIT B

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Attorneys for Representative Plaintiffs John Hansen
 and Miguel Cruz and the Plaintiff Class

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

MIGUEL A. CRUZ and JOHN D.
 HANSEN, et al.,

Plaintiffs,

vs.

DOLLAR TREE STORES, INC.

Defendant.

Case No.: C-07-02050 SC

CLASS ACTION

**REPRESENTATIVE PLAINTIFFS'
 REQUEST FOR PRODUCTION OF
 DOCUMENTS AND THINGS (SET ONE)**

ROBERT RUNNINGS, et al.,

Plaintiff,

vs.

DOLLAR TREE STORES, INC.

Defendant.

**Case No.: C-07-4012 SC
 (Consolidated Action)**

CLASS ACTION

1 PROPOUNDING PARTY: Representative Plaintiffs

2 RESPONDING PARTY: Defendant Dollar Tree Stores

3 SET NO: One

4
5 **PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 34,
6 Representative Plaintiffs in the above-entitled action hereby demand that you identify and produce
7 therefor the following documents in your possession, custody and/or control, as described below.
8 Defendant is directed to produce the specified documents within thirty (30) days of the date of
9 service of these demands. Said production shall take place at the law offices of **Scott Cole &**
10 **Associates, APC**, located at 1970 Broadway, Ninth Floor, Oakland, California 94612.

11 Please also take notice that, pursuant to Federal Rule of Civil Procedure 34(b), Defendant
12 is required to serve a written response to this inspection demand within thirty (30) days from the date
13 of service of this demand.

14
15 **DEFINITIONS AND INSTRUCTIONS**

16 1. The term "**Defendant**," "**You**" or "**Your(s)**" refers to the party(ies) to which these
17 requests are propounded and any agents, employees, officers, directors, subsidiaries, affiliates,
18 predecessor corporation(s), both present and former, including their attorneys and insurers, except
19 to the extent that a privilege not to answer is specifically stated.

20 2. The term "**Class(es)**" refer(s) to each [of the] class definition(s) provided in the
21 **Complaint** (as defined herein).

22 3. The term "**Class Member(s)**" refer(s) to [each and every one of] the named plaintiffs
23 in the above-captioned action as well as each and every person eligible for membership in one or
24 more of the plaintiff class(es) and/or subclass(es), as described and defined in the operative
25 Complaint(s) filed in this action and, if a consolidation or coordination of actions, the collective
26 allegations and parties to each and every one of the included actions.

27 4. The term "**Representative Plaintiff(s)**" refer(s) to each and every named plaintiff
28 identified in the operative Complaint(s) filed in this action and, if a consolidation or coordination

1 of actions, the collective allegations to each and every one of the included actions.

2 5. **"Persons"** and/or **"individual(s)"** means natural persons, corporations, partnerships,
3 sole proprietorships, unions, associations, federations, employers, or any other kind of entity or
4 subsidiary, division and/or department thereof.

5 6. **"Complaint"** refer(s) to the operative (most recent version of and/or amendment to)
6 Complaint filed in this action and, if a consolidation or coordination of actions, the collective
7 allegations and parties to each and every one of the Included/Consolidated/Coordinated Complaints.

8 7. **"Document(s)"** or **"records"** shall mean a writing, as defined by Federal Rules of
9 Evidence 1001, and shall include writings and printed matter of any kind and description, including,
10 but not limited to: electronically-stored data, including computer disks or tapes; electronic audio or
11 video recordings and the scripts of same; electronic or hard copy embodiments of analytical or
12 monitoring equipment or devices; photographs; drawings; maps; sketches; plot plans; diagrams;
13 notes; minutes and electronic recordings of oral communications; letters and memoranda; computer
14 printouts and any hard copy representation(s) of data, information and/or other record compilations
15 which are stored by means of computer or electronic devices; logs; charts or strips of analytical or
16 monitoring equipment; x-rays or other output of radiographic examinations; transcripts of testimony
17 and proceedings; videotapes; films; blueprints; reports; summaries; newspaper accounts; statements;
18 estimates; proposals and protocols; citations; orders and court pleadings. It shall also include any
19 additional copy or duplicate of any document as described above which contains any handwriting,
20 typewriting, notation, modification or other addition thereto of any kind, as well as any rough or
21 preliminary draft(s) of the document. Defendant shall produce those documents and/or other tangible
22 items sought herein whether or not created, maintained, distributed, acquired or otherwise in the
23 possession of any predecessor corporations or business entities to the extent that said documents
24 and/or tangible items are within the care, custody and/or control of Defendant.

25 8. The words **"identifying," "describing," "referring to," "relating to," "concerning"**
26 or variations thereof, as used herein in connection with any category of documents, means and
27 includes all documents that discuss, constitute, memorialize, mention, summarize, reflect, refer to
28 or may provide evidence of the subject matter of such category of **documents**.

9. If any information called for by any discovery request herein is withheld because **You** claim that such information constitutes a privileged **document** and/or communication, state the following with respect to each **document** or communication:

- a. the date;
- b. the identity of the author or maker, including the business or legal title or position and the individual's current address, and business and residence telephone numbers;
- c. the identity of the recipient, including business or legal title or position and the individual's current address and business and residence telephone numbers;
- d. the number of pages;
- e. the subject matter;
- f. the identity of all other persons who received copies of the **document** or otherwise learned of the document or communication; and
- g. the specific factual basis of the claimed privilege.

10. If any **document** requested has already been produced pursuant to previous discovery in this litigation, state with respect to such **document**:

- a. the Bates number of the **document**, if applicable;
- b. the date of the **document**;
- c. the person who originated the **document**;
- d. the present location of the **document**; and
- e. the person in whose possession or under whose control the **document** presently is and the relationship of this "**person**" to **You**, if any.

11. The time period covered by these requests shall be the most expansive class period defined in the **Complaint** (i.e., four years prior to the filing of the initial **Complaint**), through the present, unless otherwise specified (herein also referred to as the "**class period**"). Unless so specified, each and every demand herein requests **documents** generated or acquired by **You** and/or within **Your** possession, custody and/or control during said period and/or generated prior thereto, but remaining in effect or becoming effective at any point in time during said period.

12. The conjunctive shall also include the disjunctive and vice versa.

13. The singular shall also include the plural and vice versa.

DOCUMENT REQUESTS

1. All documents referring or relating to performance evaluations, awards, commendations and/or criticisms of the **Representative Plaintiffs** by any of **Your** current or former employees or agents.

2. All documents referring or relating to communications with and/or statements by any employee, contractor and/or agent of **Yours** regarding the **Representative Plaintiffs** or this legal action.

3. A list of the facilities (by address, telephone number and/or location number, if applicable) (whether or not operational and/or under **Your** control at the present time) where any **Class Member** has performed work at any time during the **class period**.

4. All organizational charts that **identify** and/or **describe** each and every job position that reported, directly or indirectly, to **Class Members**, or any of them, during the **class period**.

5. All documents referring or relating to any bonus and/or financial incentive programs in effect during the **class period** which were intended to provide compensation to the immediate supervisors of **Class Members**, or any of them.

6. All documents which support **Your** contention, if any, that the job tasks performed by the **Representative Plaintiffs** are/were not representative of the job tasks performed by other **Class Members**.

7. All documents which support **Your** contention, if any, that the job tasks performed by the **Representative Plaintiffs** differed, in any manner considered material by **You**, from the tasks **You** expect(ed) them to perform.

8. All documents referring or relating to **Class Members'** knowledge of the applicable test for the Executive Exemption to California's overtime laws.

9. All documents referring or relating to **Class Members'** communications with **Your** Human Resources department concerning responses on/to the "Payroll Certification" during any pay period.

10. All documents referring or relating to any additional training you offered to **Class Members** as a result of Store Managers' statement of non-compliance on any "Payroll Certification"

1 form.

2 11. All documents referring or relating to any disciplinary action you took against
3 **Class Members** as a result of Store Managers' statement of non-compliance on any "Payroll
4 Certification" form.

5 12. All documents referring or relating to **Your** policies and procedures for receiving
6 and reviewing **Class Members'** "Payroll Certifications" during each and very pay period.

7 13. All documents referring or relating to the job candidate hiring criteria for each and
8 every **Class Member** and/or **Class** position.

9 14. All documents referring or relating to job descriptions, lists of particular positions'
10 essential functions, task lists and/or actual duties for each and every **Class Member**.

11 15. All documents referring to or evidencing any modifications/revisions (at any time
12 during the **class period**) to **Your** job description for the Store Manager position.

13 16. All documents referring to or evidencing any modifications/revisions (at any time
14 to **Your** job description for any Assistant Store Manager position.

15 17. All documents referring to or evidencing any modifications/revisions (at any time
16 during the **class period**) to the "Payroll Certification" form used by Store Managers.

17 18. All documents referring to or evidencing any modifications/revisions (at any time
18 during the **class period**) to the ASR (Automatic Store Replenishment) system used by **Class**
19 **Members** to order supplies.

20 19. All documents referring or relating to testing procedures for candidates applying
21 for the Store Manager position.

22 20. All time/motion studies **You** performed concerning the work of **Class Members**.

23 21. All audits **You** performed concerning the work of **Class Members**.

24 22. Copies of all video surveillance (and/or other forms of electronic or other media),
25 generated during the **class period**, which recorded any **Class Member** performing labor.

26 23. All documents referring or relating to work performed by **Class Members** for **You**
27 during the **class period**.
28

24. All documents referring or relating to the list of tasks performed by **Class Members** that **You** contend are exempt under California law.

25. All documents referring or relating to **Your** expectations regarding what non-exempt duties would be performed on a regular basis by **Class Members**.

26. All documents referring or relating to **Your** expectations regarding what exempt duties would be performed on a regular basis by **Class Members**.

27. All documents referring or relating to claims made by **Class Members**, whether verbally or in writing, against **You** regarding allegations of unpaid hours of work and/or a failure to provide meal and/or rest periods.

28. All documents referring to or evidencing any modifications/revisions (at any time during the **class period**) to the Compass system for tracking time worked by **Your** employees.

29. All documents referring to, or evidencing any disciplinary action **You** took against any **Class Member** during the **class period** for exceeding his or her allotted payroll budget.

30. All documents referring or relating to efforts made by **You** to ensure that **Class Members** took meal and/or rest breaks.

31. All documents referring or relating to **Your** expectations regarding the number of hours **Class Members** would work at **Your** facilities.

32. All advance and/or work/time schedules, prepared at any time during the **class period**, which evidence **Class Members'** actual and/or anticipated hours of work.

33. All documents referring or relating to efforts made by **You** to limit or prohibit overtime work by **Class Members**.

34. All documents referring or relating to the methods or procedure(s) (including, but not necessarily limited to use of time keeping systems, punch clocks, written logs, verbal confirmations, register key-in procedures, swipe cards, etc.) for determining the number of hours (including overtime hours) actually and/or reportedly worked by **Class Members** during the **class period**.

35. All documents referring or relating to the procedure(s) for collecting, maintaining and securing the integrity of payroll records regarding hours worked by **Class Members** during the

1 **class period.**

2 36. All documents referring or relating to the identity of individuals who have had
3 access to records of the number of hours (including overtime hours) worked by **Class Members**
4 during the **class period**.

5 37. All documents referring or relating to the identity of individuals who were
6 responsible for collecting and storing the **Class Members'** work hours during the **class period**.

7 38. All time records (including, but not limited to, wage and/or deduction statements) for
8 **Representative Plaintiffs** for work performed during the **class period**.

9 39. All time records (including, but not limited to, wage and/or deduction statements) for
10 **Class Members** for work performed during the **class period**.

11 40. All documents which support **Your** contention, if any, that some or all of the
12 allegations in the **Complaint** and/or **Class** definition(s) contained therein are inappropriate for class-
13 wide adjudication.

14 41. All documents identified in **Your** responses to Plaintiffs' Special Interrogatories,
15 served concurrently herewith.

16 42. All documents referring or relating to any disciplinary action taken by **You** against
17 any person identified in **Your** Initial Disclosures.

18 43. All documents referring or relating to any financial incentive program offered by
19 **You** to any person identified in your Initial Disclosures.

20
21 Dated: December 13, 2007

22 **SCOTT COLE & ASSOCIATES, APC**

23 By: 

24 Carrie S. Lin, Esq.
25 Attorneys for the Representative Plaintiffs
26 and the Plaintiff Class
27
28

Scott Edward Cole, Esq. (S.B. #160744)
 Matthew R. Bainer, Esq. (S.B. #220972)
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 and the Plaintiff Classes

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Attorneys for Representative Plaintiffs John Hansen
 and Miguel Cruz and the Plaintiff Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CRUZ and JOHN D.
 HANSEN, et al.,

Plaintiffs,

v.

DOLLAR TREE STORES, INC.

Defendant.

Case No.: C-07-02050 SC

PROOF OF SERVICE

CLASS ACTION

ROBERT RUNNINGS, et al.,

Plaintiff,

vs.

DOLLAR TREE STORES, INC.

Defendant

Case No.: C-07-4012 SC
(Consolidated Action)

CLASS ACTION

PROOF OF SERVICE

I am over 18 years of age and not a party to the within entitled action. I am employed at and my business address is the law offices of Scott Cole & Associates, A Professional Corporation, 1970 Broadway, Ninth Floor, Oakland, California 94612. On this date, I served a copy of:

REPRESENTATIVE PLAINTIFFS' SPECIAL INTERROGATORIES (SET ONE)

REPRESENTATIVE PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS (SET ONE)

on the attorney(s) for the parties to this action by the following method(s):

[X] by placing one true copy thereof enclosed in a sealed envelope, and serving same as follows:

[] by personally delivering same addressed as shown below, to an attorney, as indicated below, at the indicated address and serving same in accordance with CCP § 1011(a) by leaving same at the attorney's office, with the envelope being clearly labeled, as below, to indicate the attorney(s) being served, with a receptionist or with a person having charge thereof;

[X] by placing same, with postage fully prepaid, in the United States Mail, addressed as indicated below. I am readily familiar with the practices of these law offices for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service in the same day in the ordinary course of business.

Maureen McClain, Esq.
Alex Hernaez, Esq.
KAUFF MCCLAIN & MCGUIRE, LLP
One Post Street, Ste. 2600
San Francisco, CA 94104

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed at Oakland, California, on December 13, 2007.


George Rafal

EXHIBIT C

Carrie S. Lin

From: Carrie S. Lin
Sent: Thursday, January 10, 2008 4:43 PM
To: 'Hernaez, Alex'
Cc: Legal Mgmt
Subject: Discovery

Alex,

Your proposed two week extension is fine. We will expect your client's responses on January 29th.

Carrie S. Lin, Esq.
Scott Cole & Associates, APC
Attorneys and Counselors
Telephone: (510) 891-9800
Facsimile: (510) 891-7030

Please Note:

The information in this E-mail message is legally privileged and confidential information intended only for the use of the addressee(s) named above. If you, the reader of this message, are not the intended recipient, you are hereby notified that you should not further disseminate, distribute, or forward this E-mail message. If you have received this E-mail in error, please notify the sender as soon as possible. In addition, please delete the erroneously received message from any device/media where the message is stored. Thank you.

Please visit our website at: <http://www.scalaw.com> for more information about Scott Cole & Associates, APC.

From: Hernaez, Alex [mailto:hernaez@kmm.com]
Sent: Thursday, January 10, 2008 1:47 PM
To: Carrie S. Lin
Subject: Discovery

Are you OK with that 2-week extension?

Alex Hernaez
Kauff McClain & McGuire LLP
One Post Street, Suite 2600
San Francisco, California 94104
Telephone: (415) 955-1408
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www.kmm.com

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2/14/2008

EXHIBIT D

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4 San Francisco, California 94104
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6 Attorneys for Defendant
DOLLAR TREE STORES, INC.

7 BETH HIRSCH BERMAN (VA Bar No. 28091)
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10 Norfolk, VA 23510
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11 Facsimile: (757) 629-0660

12 *Pro Hac Vice* Attorneys For Defendant
DOLLAR TREE STORES, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 MIGUEL A. CRUZ, and JOHN D. HANSEN,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 DOLLAR TREE STORES, INC.,

21 Defendant.

CASE NO. C 07 2050 SC

22 ROBERT RUNNINGS individually, and on
behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 DOLLAR TREE STORES, INC.,

26 Defendant.

CASE NO. C 07 04012 SC

**RESPONSE TO
REPRESENTATIVE PLAINTIFFS'
SPECIAL INTERROGATORIES
(SET ONE)**

JUDGE: Hon. Samuel Conti
COMPLAINTS FILED: April 11, 2007
July 6, 2007
TRIAL DATES: No dates set.

1 PROPOUNDING PARTY: REPRESENTATIVE PLAINTIFFS

2 RESPONDING PARTY: DEFENDANT DOLLAR TREE STORES, INC.

3 SET NUMBER: One

4 Defendant Dollar Tree Stores, Inc. ("Dollar Tree") submits the following
5 responses, pursuant to Rule 33(b)(3) of the Federal Rules of Civil Procedure, to
6 Representative Plaintiffs' Special Interrogatories (Set One).

7 **GENERAL OBJECTIONS**

8 These answers and objections are made solely for the purpose of this
9 action. Each answer is subject to all objections as to competence, relevance,
10 materiality, propriety and admissibility, and any and all other objections and grounds that
11 would require the exclusion of any statement if any interrogatories were asked of, or any
12 statements contained herein were made by, a witness present and testifying in court, all
13 of which objections and grounds are reserved and may be interposed at the time of trial.
14 The following answers are based upon information presently available to Defendant and,
15 except for explicit facts admitted herein, no incidental or implied admissions are intended
16 hereby. The fact that Defendant has answered or objected to any interrogatory or part
17 thereof should not be taken as an admission that Defendant accepts or admits the
18 existence of any facts set forth or assumed by such interrogatories or that such answer
19 or objection constitutes admissible evidence. The fact that Defendant has answered
20 part or all of any interrogatory is not intended and shall not be construed to be a waiver
21 by Defendant of all or any part of any objection to any interrogatory.

22 To the extent that any or all of the interrogatories call for information which
23 constitutes information or material prepared in anticipation of litigation or for trial or for
24 information or material covered by the work product doctrine or which constitutes
25 information which is privileged by virtue of the attorney-client privilege, Defendant
26 objects to each and every such interrogatory and thus will not supply or render any
27 information or material protected from discovery by virtue of the work product doctrine or
28 the attorney-client privilege.

Defendant objects to providing information regarding the so-called "Class Members." Because no class has been certified, Class Members do not exist. Moreover, Defendant contends that a class cannot be properly certified because of the facts of this case. Responses herein will be generally limited to the named plaintiffs.

The above-stated objections are hereby made applicable to each and all of these requests and are hereby, as to each and all of them, incorporated by reference as if fully set forth therein.

INTERROGATORY NO. 1:

Identify each and every Class Member.

RESPONSE TO INTERROGATORY NO. 1:

Objection: this Interrogatory is overbroad, unduly burdensome, and outside the scope of permissible discovery.

INTERROGATORY NO. 2:

Identify each facility (by address, telephone number and/or location number, if applicable) where any Class Member has performed work for You at any time during the class period.

RESPONSE TO INTERROGATORY NO. 2:

Defendant will produce documents in response to this Interrogatory. Please see response to Request for Production No. 3.

INTERROGATORY NO. 3:

Identify and/or describe how You determine whether Class Members should be paid on an overtime-exempt basis for each pay period with the class period.

RESPONSE TO INTERROGATORY NO. 3:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible discovery. The premise of this Interrogatory is faulty and therefore Defendant cannot answer it fully. Defendant classifies its various job classifications as exempt or non-exempt. For example, Dollar Tree classifies its store managers as exempt. This

1 decision was made by personnel in Dollar Tree's human resources department in
 2 consultation with outside counsel. Defendant considered the job duties and position
 3 description of its store managers, together with all applicable laws and regulations.

4 **INTERROGATORY NO. 4:**

5 **Identify and/or describe** each task performed by **Class Members** that
 6 **You** contend is exempt under California law.

7 **RESPONSE TO INTERROGATORY NO. 4:**

8 Objection: this Interrogatory seeks information protected by the attorney-
 9 client privilege, is overbroad, unduly burdensome, and outside the scope of permissible
 10 discovery. Defendant responds to this Interrogatory by directing plaintiffs to the store
 11 manager job description, which has already been produced.

12 In addition, while all store managers have certain core duties in common,
 13 depending upon the store in which they work store managers may have responsibility for
 14 complying with state laws regarding the sale of alcohol and/or acceptance of food
 15 stamps. Some store managers are training managers which gives them additional
 16 responsibilities and duties with respect to training store manager and assistant store
 17 managers and providing assistance to them after they are trained. Other store
 18 managers have responsibility for visiting other stores and helping them with problems
 19 that may arise. Some store managers have responsibilities related to surveillance
 20 cameras. Depending on the location of the store, i.e. mall, strip shopping centers, stand
 21 alone, and the particular landlord's requirements, the store managers have different
 22 responsibilities with respect to the maintenance, upkeep and report of the store facilities
 23 and areas immediately adjacent thereto and may have different responsibilities with
 24 respect to their tenancy. A few of Defendant's stores sell merchandise at multi-price
 25 points, thereby requiring pricing information for which the store manager is responsible.
 26 Store managers in different districts have different responsibilities with respect to hiring,
 27 firing, promoting and setting pay rates for the store employees.

28

INTERROGATORY NO. 5:

Identify and or **describe** each task performed by **Class Members** that **You** consider to be non-exempt under California law.

RESPONSE TO INTERROGATORY NO. 5:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible discovery. Defendant cannot reasonably answer this Interrogatory because, inter alia, it involves an individualized inquiry as to each putative "class member." Moreover, as noted above, an inquiry of this scope is premature because no class has been certified.

INTERROGATORY NO. 6:

Describe all efforts **You** have made to ensure that **Class Members** are performing more exempt than non-exempt work for each pay period within the **class period**.

RESPONSE TO INTERROGATORY NO. 6:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible discovery. Defendant responds to this Interrogatory by directing plaintiffs to the certification documents (both manual and automated), which have already been produced. In addition, District Managers are charged with the responsibility of ensuring that Defendant's store managers perform work consistent with their status as exempt employees.

INTERROGATORY NO. 7:

Identify and/or **describe** **Your** policies and procedures regarding the methods by which **Class Members** reported the number of hours worked for each week during the **class period**.

RESPONSE TO INTERROGATORY NO. 7:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible

discovery. Defendant responds to this Interrogatory by directing plaintiffs to the work schedules of the representative plaintiffs, which have already been produced.

INTERROGATORY NO. 8:

Identify and/or describe any and all efforts made by **You** to provide or permit **Class Members** to take meal and/or rest breaks.

RESPONSE TO INTERROGATORY NO. 8:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible discovery. Although not required by applicable law, Plaintiffs made their own schedules and were encouraged by District Managers to take meal and rest breaks. Plaintiffs also received training regarding meal and rest breaks.

INTERROGATORY NO. 9:

Identify and/or describe any and all efforts made by **You** to inform **Class Members** of the applicable test for the Executive Exemption to California's overtime laws.

RESPONSE TO INTERROGATORY NO. 9:

Objection: this Interrogatory seeks information protected by the attorney-client privilege, is overbroad, unduly burdensome, and outside the scope of permissible discovery.

DATED: January ²⁹~~27~~, 2008

KAUFF MCCLAIN & MCGUIRE LLP

By: 
ALEX HERNAEZ

Attorneys for Defendant
DOLLAR TREE STORES, INC.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is One Post Street, Suite 2600, San Francisco, California 94104. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On January 29, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**RESPONSE TO REPRESENTATIVE PLAINTIFFS'
SPECIAL INTERROGATORIES (SET ONE)**

in a sealed envelope, postage fully paid, addressed as follows:

Scott Edward Cole, Esq.
Scott Cole & Associates, APC
The World Savings Tower
1970 Broadway, Ninth Floor
Oakland, CA 94612

Jeremy R. Fietz, Esq.
Edgar Law Firm
408 College Avenue
Santa Rosa, CA 95401

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 29, 2008, at San Francisco, California.


Rita I. Chavez

4831-7786-7266.2

EXHIBIT E

1 MAUREEN E. MCCLAIN (State Bar No. 062050)
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12 Attorneys for Defendant
DOLLAR TREE STORES, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 MIGUEL E. CRUZ, and JOHN D. HANSEN,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 DOLLAR TREE STORES, INC.,

21 Defendant.

CASE NO. C 07 2050 SC

22 ROBERT RUNNINGS individually, and on
23 behalf of all others similarly situated,

24 Plaintiff,

25 v.

26 DOLLAR TREE STORES, INC., and DOES 1
27 through 25, inclusive,

28 Defendants.

CASE NO. C 07 04012 SC

**DECLARATION OF CHARLOTTA
JACOBSEN-ALLEN**

JUDGE: Hon. Samuel Conti

COMPLAINT FILED: April 11, 2007;
July 6, 2007

TRIAL DATE: No date set.

1 I, Charlotta Jacobson-Allen, declare as follows:

2 1. I am over the age of eighteen and have personal knowledge of the facts
3 set forth below. If called upon as a witness, I could testify competently thereto.

4 2. I am employed by Williams Mullen, P.C. as a Paralegal.

5 3. Ms. Brady provided me with a "Payment Detail Listing" (also referred to as
6 a PR260 report) for Robert Runnings. The Payment Detail Listing identifies any hours
7 for which Mr. Runnings received compensation, the amount of compensation along with
8 any bonuses he received during any given week.

10 4. Ms. Brady provided me with "Compass" schedules available during
11 Runnings' tenure with Dollar Tree as a Store Manager.

12 5. Ms. Brady provided me with spreadsheets ("Wage and Hour
13 Spreadsheets") which identify the employees who worked in Runnings' store, the hours
14 each employee worked and the wages each earned for any given week.

16 6. Exhibit 42 to Runnings' Deposition lists Robert Runnings' certification
17 responses indicating whether or not he spent more than 50% of the previous week
18 working on exempt functions.

19 7. I reviewed Mr. Runnings' certification responses as demonstrated on
20 Exhibit 42 in conjunction with the Wage and Hour Reports from Ms. Brady. According to
21 Exhibit 42, Mr. Runnings stated he could not certify that he spent more than 50% of his
22 work week performing exempt functions because he did not have "enough hours" during
23 the week ending January 20, 2007. According to the Wage and Hour Reports, Mr.
24 Runnings' employees worked 318 payroll hours. On June 25, 2005, Mr. Runnings
25 certified he did spend more than 50% of his work week performing exempt functions
26 while his employees worked 299 payroll hours. I also compared the sales for those two
27
28

1 periods. The sales for the week-ending June 25, 2005 were almost 13% higher than
2 those for week-ending January 20, 2007.

3 8. Patricia Doss, an Employee Relations Manager for Dollar Tree
4 Management, Inc. ("DTM"), provided me with a report showing whether or not California
5 Store Managers spent more than 50% of the previous week working on exempt
6 functions. This report showed the responses by week, the number of stores that
7 responded, percentage of Store Managers responding and whether their response was
8 yes or no. I compared the number of "yes" responses to the total number of responses
9 made. The results of this comparison are attached as Exhibit A hereto.
10

11 9. I reviewed the Wage and Hour Spreadsheets. At any given time, Mr.
12 Runnings supervised anywhere between eight and 40 hourly employees including
13 Assistant Store Managers. The total number of hours worked by his employees ranged
14 from a low of 151 to a high of 1,055.
15

16 10. Based on the PR260s, Mr. Runnings base earnings went from \$45,500 in
17 2004 to \$49,200 in 2007.

18 I declare under penalty of perjury under the laws of the Commonwealth of Virginia
19 that the foregoing is true and correct.
20

21 Executed in Norfolk, Virginia this 19th day of January, 2008.

22 
23 Charlotta Jacobson-Allen
24
25
26
27
28

Exhibit A

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL WIE DATE	COMPLETED	PERCENT	PAYROLLWEEK	YES%	NO%	Percentage Yes vs. Complete
200	6/4/2005	200	100%	6/4/2005	88.17%	11.83%	88.17%
200	6/11/2005	200	100%	6/11/2005	91.19%	8.81%	91.19%
201	6/18/2005	201	100%	6/18/2005	85.29%	14.71%	85.29%
201	6/25/2005	201	100%	6/25/2008	90.14%	9.86%	90.14%
201	7/2/2005	201	100%	7/2/2005	86.96%	13.04%	86.96%
202	7/9/2005	201	100%	7/9/2005	87.34%	12.66%	86.91%
202	7/16/2005	201	100%	7/16/2005	88.46%	11.54%	88.02%
202	7/23/2005	201	100%	7/23/2005	84.75%	15.25%	84.33%
202	7/30/2005	201	100%	7/30/2005	92.45%	7.55%	92.00%
202	8/6/2005	202	100%	8/6/2005	90.24%	9.76%	90.24%
202	8/13/2005	202	100%	8/13/2005	98.11%	1.89%	98.11%
202	8/20/2005	200	99%	8/20/2005	91.84%	8.16%	90.93%
202	8/27/2005	202	100%	8/27/2005	84.91%	15.09%	84.91%
202	9/2/2005	202	100%	9/3/2005	88.46%	11.54%	88.46%
203	9/17/2005	203	100%	9/17/2005	85.98%	14.02%	85.98%
206	10/1/2005	206	100%	10/1/2005	88.24%	11.76%	88.24%
209	10/8/2005	209	100%	10/8/2005	82.35%	17.65%	82.35%
209	10/15/2005	209	100%	10/15/2005	90.91%	9.09%	90.91%
209	10/22/2005	209	100%	10/22/2005	86.11%	13.89%	86.11%
209	10/29/2005	209	100%	10/29/2005	88.37%	11.63%	88.37%
209	11/5/2005	209	100%	11/5/2005	90.63%	9.38%	90.63%
210	11/12/2005	203	97%	11/12/2005	75.00%	25.00%	72.50%
210	11/19/2005	210	100%	11/19/2005	75.76%	24.24%	75.76%
210	11/26/2005	205	98%	11/26/2005	88.46%	11.54%	86.36%
210	12/3/2005	200	95%	12/3/2005	87.88%	12.12%	83.69%
210	12/10/2005	204	97%	12/10/2005	87.10%	12.90%	84.61%
210	12/24/2005	200	95%	12/24/2005	65.22%	34.78%	62.11%
210	1/2/2006	210	100%	12/31/2005	90.00%	10.00%	90.00%
210	1/9/2006	210	100%	1/7/2006	93.55%	6.45%	93.55%
210	1/16/2006	208	99%	1/14/2006	85.71%	14.29%	84.90%
210	1/23/2006	200	95%	1/21/2006	90.48%	9.52%	86.17%
210	1/30/2006	210	100%	1/28/2006	93.94%	6.06%	93.94%
210	2/6/2006	210	100%	2/4/2006	89.47%	10.53%	89.47%
210	2/13/2006	210	100%	2/11/2006	91.67%	8.33%	91.67%
210	2/20/2006	210	100%	2/18/2006	92.86%	7.14%	92.86%
210	2/27/2006	210	100%	2/25/2006	89.13%	10.87%	89.13%

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	PAYROLLWEEK	YES%	NO%	Percentage Yes vs. Complete
210	3/6/2006	210	100%	3/4/2006	75.56%	24.44%	75.56%
212	3/13/2006	200	94%	3/11/2006	80.95%	19.05%	76.37%
213	3/20/2006	195	92%	3/18/2006	81.97%	18.03%	75.04%
213	3/27/2006	200	94%	3/25/2006	79.31%	20.69%	74.47%
214	4/3/2006	213	100%	4/1/2006	86.54%	13.46%	86.13%
214	4/10/2006	210	98%	4/8/2006	79.66%	20.34%	78.17%
214	4/17/2006	210	98%	4/15/2006	79.03%	20.97%	77.56%
214	4/24/2006	198	93%	4/22/2006	69.39%	30.61%	64.20%
214	5/1/2006	200	93%	4/29/2006	84.09%	15.91%	78.59%
214	5/8/2006	201	94%	5/6/2006	87.04%	12.96%	81.75%
214	5/15/2006	198	93%	5/13/2006	85.71%	14.29%	79.31%
214	5/22/2006	200	93%	5/20/2006	82.86%	17.14%	77.44%
214	5/29/2006	210	98%	5/27/2006	74.36%	25.64%	72.97%
214	6/5/2006	189	88%	6/10/2006	87.88%	12.12%	77.61%
214	6/19/2006	210	98%	6/24/2006	84.38%	15.63%	82.80%
214	6/26/2006	206	96%	7/1/2006	83.78%	16.22%	80.65%
214	7/3/2006	209	98%	7/8/2006	82.35%	17.65%	80.43%
214	7/10/2006	211	99%	7/15/2006	88.37%	11.63%	87.13%
214	7/17/2006	206	96%	7/22/2006	81.20%	18.80%	78.16%
214	7/24/2006	200	93%	7/29/2006	87.88%	12.12%	82.13%
214	7/31/2006	214	100%	8/5/2006	89.23%	10.77%	89.23%
214	8/7/2006	199	93%	8/12/2006	77.05%	22.95%	71.65%
214	8/14/2006	206	96%	8/19/2006	87.14%	12.86%	83.89%
214	8/21/2006	211	99%	8/26/2006	89.47%	10.53%	88.22%
214	8/28/2006	207	97%	9/2/2006	84.44%	15.56%	81.68%
217	9/4/2006	212	98%	9/9/2006	81.82%	18.18%	79.93%
217	9/11/2006	206	95%	9/16/2006	86.27%	13.73%	81.90%
219	9/18/2006	210	96%	9/23/2006	83.98%	16.02%	80.53%
220	9/25/2006	214	97%	9/30/2006	86.58%	13.42%	84.22%
223	10/2/2006	200	90%	10/7/2006	88.57%	11.43%	79.44%
225	10/9/2006	200	89%	10/14/2006	77.27%	22.73%	68.69%
225	10/16/2006	220	98%	10/21/2006	80.00%	20.00%	78.22%
225	10/23/2006	220	98%	10/28/2006	86.15%	13.85%	84.24%
225	10/30/2006	221	98%	11/4/2006	86.05%	13.95%	84.52%
225	11/6/2006	222	99%	11/11/2006	83.02%	16.98%	81.91%
225	11/13/2006	224	100%	11/18/2006	84.62%	15.38%	84.24%

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	PAYROLLWEEK	YES%	NO%	Percentage Yes vs. Complete
225	11/20/2006	225	100%	11/25/2006	83.75%	16.25%	83.75%
225	11/27/2006	220	98%	12/2/2006	83.33%	16.67%	81.48%
225	12/4/2006	220	98%	12/9/2006	81.54%	18.46%	79.73%
225	12/11/2006	202	90%	12/16/2006	83.72%	16.28%	75.16%
225	12/18/2006	219	97%	12/23/2006	85.71%	14.29%	83.43%
225	12/26/2006	205	91%	12/30/2006	78.57%	21.43%	71.59%
225	1/1/2007	200	89%	1/6/2007	81.82%	18.18%	72.73%
225	1/8/2007	198	88%	1/13/2007	78.45%	21.55%	69.03%
225	1/15/2007	220	98%	1/20/2007	77.87%	22.13%	76.14%
225	1/22/2007	177	79%	1/27/2007	78.10%	21.90%	61.43%
225	1/29/2007	160	71%	2/3/2007	81.03%	18.97%	57.62%
225	2/6/2007	154	68%	2/10/2007	82.58%	17.42%	56.52%
230	2/13/2007	162	70%	2/17/2007	79.37%	20.63%	55.90%
230	2/20/2007	155	67%	2/24/2007	79.53%	20.47%	53.59%
230	2/27/2007	152	66%	3/3/2007	78.63%	21.37%	51.96%
230	3/6/2007	165	72%	3/10/2007	81.48%	18.52%	58.45%
230	3/13/2007	184	80%	3/17/2007	77.78%	22.22%	62.22%
230	3/20/2007	184	80%	3/24/2007	82.01%	17.99%	65.61%
230	3/27/2007	183	80%	3/31/2007	79.23%	20.77%	63.04%
230	4/3/2007	198	86%	4/7/2007	81.20%	18.80%	69.91%
230	4/10/2007	208	90%	4/14/2007	81.20%	18.80%	73.44%
230	4/17/2007	227	99%	4/21/2007	80.00%	20.00%	78.96%
230	4/24/2007	192	83%	4/28/2007	79.56%	20.44%	66.42%
230	5/1/2007	194	84%	5/5/2007	80.15%	19.85%	67.60%
230	5/7/2007	186	81%	5/12/2007	82.19%	17.81%	66.47%
230	5/14/2007	182	79%	5/19/2007	76.22%	23.78%	60.32%
230	5/21/2007	187	81%	5/26/2007	82.14%	17.86%	66.79%
230	5/28/2007	184	80%	6/2/2007	84.72%	15.28%	67.78%
230	6/4/2007	179	78%	6/9/2007	82.78%	17.22%	64.43%
230	6/11/2007	174	76%	6/16/2007	81.51%	18.49%	61.66%
230	6/18/2007	183	80%	6/23/2007	85.31%	14.69%	67.88%
230	6/25/2007	178	77%	6/30/2007	80.89%	19.11%	62.60%
230	7/2/2007	180	78%	7/7/2007	83.66%	16.34%	65.47%
230	7/9/2007	188	82%	7/14/2007	83.75%	16.25%	68.46%
237	7/16/2007	184	78%	7/21/2007	83.97%	16.03%	65.20%
237	7/23/2007	179	76%	7/28/2007	83.65%	16.35%	63.18%

CALIFORNIA JOB CERTIFICATION SUMMARY REPORT

STORES	PAYROLL W/E DATE	COMPLETED	PERCENT	PAYROLL WEEK	YES%	NO%	Percentage Yes vs. Complete
237	7/30/2007	184	78%	8/4/2007	79.29%	20.71%	61.56%
237	8/9/2007	184	78%	8/11/2007	77.89%	22.11%	60.47%